

Patent Application Serial No. 10/523,402

REMARKS

The addition of "USB" to the claims is supported at, e.g., page 7, line 9 and page 9, line 10 of the specification, and "stand" is supported at page 10, lines 17-18, as discussed below.

(2-4) Claims 1-6 are rejected under 35 U.S.C. §112, second paragraph. The Examiner asserts that "downward orientation" is not defined either in the claims or in the specification. This is respectfully traversed for the record. At page 4, line 22, the specification explains that "orienting the second casing downward, and placing the audio recording device on a tabletop enables the second casing to fulfill the function of a stand and reduces vibration noise collected by the sound collection means from the placement surface." A similar explanation occurs on page 10, with "downward" at line 17, referring to Fig. 7.

The claims are amended to recite "stand," which is generally equivalent according to the specification, and withdrawal of the rejection is requested.

The Examiner also points out a lack of antecedent basis in claims 10 and 11. This is believed to be overcome by the present amendment, that deletes "external."

(5-6) Claims 1-3, 7-9, and 12-14 are rejected under 35 U.S.C. §103(a) as being obvious over Pua et al., US 6,490,163 in view of Liu et al., US 6,567,273, and Peiker, US 5,638,455. This rejection is respectfully traversed.

(1) The Examiner asserts anticipation of the claimed connection terminal by Pua's serial bus port 17 with pins 174, and the claimed second casing by Pua's housing 173. However, Pua states (col. 3, lines 6-8) that "the serial bus port 17 of the body 1 is comprised of a housing 173 and a set of pins 174 installed in the housing 173." That is, the housing 173 is one of the members of the serial bus port 17, corresponding to the Applicants' connection terminal rather than to the claimed second casing.

Patent Application Serial No. 10/523,402

Pua's serial bus port 17 is a USB port (col. 2, line 12), and the Applicants now claim a USB terminal, so that Pua's serial bus port 17 and its housing 173 can only correspond to the USB connection terminal of the amended claims. Pua does not teach or suggest the second casing of the Applicants' amended claims and does not anticipate "the USB connection terminal is protrudingly provided on a second end portion of the second casing opposite to the first end thereof" in amended claims 1 and 7.

Although the Examiner states (page 3, line 15), "Figures 6-8 show the unshaded portion of pins 174, responsible for making the electrical connection by protruding into USB port of the computer 2, located at the end portion of the housing 173," this feature is related to the inside of the USB port 17 and is, with respect, irrelevant to the present claims.

(2) As to Liu, the Examiner says that USB plugs 202 and 302 correspond to the second casing of the present invention (Office Action at page 4, lines 4-5). However, USB plugs 202 and 302 of Liu are clearly seen to correspond to the USB connection terminal of the Applicants' claims rather than the second casing. With respect, Liu does not teach or suggest the second casing of the amended claims.

(3) The claimed second casing provides an audio recording device having both a USB connection terminal the stand function. The Applicants note that the length of a USB connection terminal by itself is too short to provide any support, and act as a stand. When the Examiner equates a USB plug to the Applicant's second casing, insufficient weight is given to an important feature, namely the status of the second casing functioning as a stand.

(4) As to Peiker, the Examiner asserts that the cable connection 8 corresponds to the claimed connection terminal. However, the cable connection is not like the claimed USB

Patent Application Serial No. 10/523,402

connection terminal, for (a) not being a terminal and (b) not being USB. No terminal is shown, because the cable 8 has no illustrated or disclosed end.

(5) Both Pua and Liu have a connector that plugs into a computer, and the Liu memory device has a slide-out connector.

Pua actually has *two* connectors, the USB connector 17 that plugs into the computer 2, and a "connector 18 for audio output," the location of which is not shown. Meanwhile, Peiker has only one access to an external device, the cable 8, which is not a connector (there may or may not be a connector at the other end of the cable 8). The cable 8 of Peiker is analogous to the audio connector 18 of Pua, because Peiker has no other connection, and is an audio device.

The audio connector of Pua has no disclosed location, so Pua teaches nothing about location. Meanwhile, Peiker's cable 8 is located at the end of the half-shell 1 near the hinge 3, which is *contrary* to the location of the connector claimed by the Applicants.

The Examiner is invited to consider: There is no reason to move it. The cable 8 is apparently flexible, so there is no need to align Peiker's half-shell 1 relative to whatever device is coupled to the end of the cable 8, and thus no reason why the cable 8 should be moved.

Furthermore, there is a reason *not* to move it. Moving Peiker's cable 8 to the other end of the half-shell 1 would tend to interfere with the use of its keypad 10 (Fig. 4), and such moving would not have been done by a person of ordinary skill. The Examiner is invited to consider that the person of ordinary skill would not move the telephone, power, USB, and other connection lines of a laptop computer from the sides and rear to the front end facing the user, because use of the keyboard would then become awkward. Similarly, the person of ordinary skill would not make the same move in Peiker; it would make it hard to use.

Patent Application Serial No. 10/523,402

Therefore, Peiker teaches against moving its cable 8 from near the hinge to the location claimed by the Applicants.

(6) Peiker is the only reference which discloses two folding half-portions, one of which functions as a base or stand for the other half-portion. The other references only disclose folding connectors that cannot act as bases or stands, and that have no position locking. Therefore, there is no teaching toward the Applicants' folding, stand-up device with the connector opposite to the hinge; there is only teaching against.

(7) Claims 4-6 are rejected under 35 U.S.C. §103(a) as being obvious over Pua, Liu, and Peiker in view of Ma, US 5,691,882. This rejection is respectfully traversed on the grounds above.

(8) Claims 8 and 10 are rejected under 35 U.S.C. §103(a) as being obvious over Pua, Liu, and Peiker in view of Matsuda, EP 1,139,540. This rejection is respectfully traversed on the grounds above.

In summary, the Applicants provide an audio recording device having a USB connection terminal combined with a movable housing that acts as a stand, and also provide storage for the USB connection terminal. The references cannot be combined to reach this combination without changing them for the worse, e.g., moving Peiker's cable 8 to the front, and replacing the cable connection 8 with a USB connector, which would decrease reliability.

The references, as a whole, teach against a stand with the connector at the end far from the hinge.

Patent Application Serial No. 10/523,402

In view of the aforementioned amendments and accompanying remarks, the application is submitted to be in condition for allowance, which action, at an early date, is requested.

Respectfully submitted,

KRATZ, QUINTOS & HANSON, LLP



Nick S. Bromer
Attorney for Applicant
Reg. No. 33,478

NSB/lkj
Suite 400
1420 K Street, N.W.
Washington, D.C. 20005
(202) 659-2930

23850

PATENT & TRADEMARK OFFICE

I hereby certify that this correspondence is being facsimile transmitted to the Patent and Trademark Office (Fax No. (571)-273-8300) on March 4, 2009.

Nick Bromer (reg. no. 33,478)

Signature 